

REMARKS/ARGUMENTS

Claims 7-8, 11-12 and 19-21 are pending in this application. Claims 7, 8, 11, 12 and 20 have been amended. A new independent claim 22 has been added as result of the amendment to claim 21. Claims 1, 6, 9-10 and 17 have been canceled without prejudice in an effort to expedite the prosecution.

Claim Rejections – 35 USC §102

Claims 1, 6, 9, 10 and 17 are rejected under 35 USC 102(b) as being anticipated by Cuccia et al., US 6,281,219. Claim 6 has been canceled and claim 7 has been amended to the allowable subject matter where L is a bond. With these amendments, the present claims do not read on Cuccia et al., since X₁ and X₂ of Cuccia et al., are never bonds. Claim 21 has been amended to remove the five compounds where L is not a bond and 2 compounds where R₂ is methyl. These 7 compounds have been added to a new independent claim 22.

Claims 1, 6, 9, 10 and 17 are rejected under 35 USC 102(b) as being anticipated by Wood et al., US 6,306,866. Claims 1, 6, 9, 10 and 17 are canceled with the remaining claims amended to the allowable subject matter.

Claim Rejections – 35 USC §103

Claims 1, 6, 9, 10 and 17 are rejected under 35 USC 103 as being unpatentable over Cuccia et al., US 6,281,219. Claims 1, 6, 9, 10 and 17 are canceled.

Allowable Subject Matter

At the suggestion of the Examiner and in an effort to expedite the prosecution, claims 7, 8, 11, 12, 19, 20 and 21 have been amended and rewritten in independent form including all of the limitations of the base and intervening claims. As a result of these amendments, a new independent claim 22 has been added that covers the 7 compounds removed in the amendment of claim 21.

Response to the Advisory Action

In response to the advisory action dated 4 December, 2009, Applicants have amended claim 7 to include “wherein X³ is a bond or C₁₋₄alkylene”. Support for this amendment can

be found on page 2, paragraph 9, line 11 of the application and in original claims 1 and 6. Further, the Applicants have deleted COOH as a substituent for phenyl in claim 8 and phenoxyethyl for R₉. The Applicants believe these amendments address the issues raised by the Examiner in section 13 of the advisory action and place the application in condition of allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

The Director is authorized to deduct any necessary fees from, or credit any overpayment to, the undersigned's Deposit Account No. 50-1885.

Respectfully submitted,

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